

REMARKS

Claims 1-11 are pending and were allowed. Claims 1, 6, 8, and 10 are being amended. No new matter is being presented.

The Examiner noted that the priority claim under 35 USC § 119 was unclear because the box in the Oath/Declaration was not designated. Applicants respectfully submit that the priority claim in the Oath/Declaration is clear in view of the language of the Oath/Declaration and the listing of the priority Great Britain Patent Application No. 0401578.0.

In addition, according to 1893.03(c), “pursuant to 35 U.S.C. 365(b) a U.S. national stage application shall be entitled to a right of priority based on a prior foreign application or international application designating at least one country other than the United States in accordance with the conditions and requirements of 35 U.S.C. 119(a) and the treaty and the PCT regulations. See in particular PCT Article 8 and PCT Rules 4.10 and 26bis. To obtain priority in the U.S. national stage application to such applications, the priority must have been timely claimed in the international stage of the international application.” The priority claim was correctly made during the international stage as indicated in the published PCT publication no. WO2005/071758.

To further confirm the priority claim, being filed herewith is an Application Data Sheet that includes the priority claim.

The Examiner objected to the Title as not being descriptive. An amended Title appears above for the Examiner’s approval.

The Examiner noted that each section of the specification should be preceded by a heading. The specification is being amended to include section headings.

The Abstract was objected to as not being limited to a single paragraph on a separate sheet. The Abstract is being amended to remove paratheticals and to appear on a separate sheet.

Claim 1, 6, and 8 were objected to for informalities.

In claim 1, the “under or over” language is being removed because it is unnecessary and somewhat confusing. Clearly, the phototransistor can be oriented in any direction, so “under” and “over” are relative terms depending on the orientation in which a user

holds the phototransistor. The remaining claim language clearly recites that “a source layer on the other side of the barrier layer to the semiconductor layer” and “a gate layer on the opposite side of the semiconductor layer to the barrier layer.” Such language specifies the relative positions on the layers regardless of the orientation of the device, and thus, the claimed phototransistor is more clearly recited without the “under or over” language.

Claim 6 is being amended as suggested by the Examiner.

Claims 8 and 10 are being placed in proper independent form. No substantive changes are being made. Instead, the dependent claim language is being replaced by the language of claim 1, as amended.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable.  
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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